

POLYGRAPH EXAMINERS ADVISORY BOARD
DRAFT MINUTES OF MEETING
October 20, 2011

The Polygraph Examiners Advisory Board met on Thursday, October 20, 2011, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia. The following Advisory Board members were present:

Sandra K. Baum, Chairman
John R. Patterson, Vice Chairman
Brett Feinstein
Karl Holzbach
John T. Orr
William Ingram

John E. McDowell was absent from the meeting.

Staff present for all or part of the meeting:

Gordon Dixon, Director
Mark Courtney, Deputy Director
Eric L. Olson, Executive Director
Adrienne Mayo, Regulatory Boards Administrator
Karen Bullock, Administrative Assistant
Earlyne Perkins, Legal Analyst

Chairman Sandra Baum called the meeting to order at 11:06 a.m.

Call To Order

Chairman Baum introduced and welcomed two new Board members: Lt. John T. Orr and Mr. Brett Feinstein.

New Board Members

Mr. Ingram offered a motion to approve the agenda. Mr. Patterson seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Feinstein, Holzbach, Ingram, Orr and Patterson.

Approval of the Agenda

Mr. Patterson offered a motion to approve the July 18, 2011 meeting minutes. Mr. Ingram seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Feinstein, Holzbach, Ingram, Orr and Patterson.

Approval of July 18, 2011 Meeting Minutes

There was no public comment.

Public Comment

In the matter of License Application File Number 2012-00740 Sheree L. Kendall, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference (IFF).

**File Number
2012-00740
Sheree L. Kendall
Application**

Applicant Sheree L. Kendall and witness Brad Badgerow appeared at the IFF. Kendall and Badgerow attended the Board meeting and addressed the members.

The presiding Board representative for the IFF **Ms. Becker** was not present and did not participate in the discussion.

After discussion **Mr. Patterson** offered a motion to reject the Presiding Officer's recommendation to deny reinstatement of Kendall's license and instead, approve the new application by examination waiver. **Mr. Ingram** seconded the motion, which was approved unanimously. Members voting "Yes" were: Baum, Feinstein, Holzbach, Ingram, Orr and Patterson.

After reviewing the record, Director, Gordon Dixon determines the examination initially taken by Ms. Kendall is substantially equivalent. Director Dixon also agrees with the Board members to reject the Presiding Officer's recommendation to deny reinstatement and to approve a new application and waiver of the examination.

In the matter of Disciplinary File Number 2011-03407 Danny William Bragg (Respondent); the Board reviewed the record, which consisted of the application file, transcript, exhibits from the Informal Fact-Finding Conference (IFF), and the Summary of the IFF and the recommendation. Danny William Bragg **(Respondent)**; appear at the IFF. Bragg attended the Board meeting and addressed the Board.

**File Number
2011-03407
Danny William Bragg**

The presiding Board representative for the IFF **Ms. Baum** was not present and did not participate in the discussion.

Vice chairman, Mr. Patterson chaired.

After discussion, a motion was made by **Mr. Orr** and seconded by **Mr. Feinstein** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Danny William Bragg**, violated the following sections of its Regulations:

Effective August 1, 2007		
Count 1:	18 VAC 120-30-200 A	
Count 2:	18 VAC 120-30-200 B	
Count 3:	18 VAC 120-30-210 B	
Count 4:	18 VAC 120-30-220 A 5	

The motion passed by unanimous vote. Members voting “Yes” were: Feinstein, Holzbach, Orr and Patterson.

Mr. Ingram did not participate in the discussion and did not vote.

Director Gordon Dixon agreed with the Board members Bragg violated the above Regulations.

After discussion **Mr. Orr** offered a motion and seconded by **Mr. Patterson** to reject the Presiding Board member’s recommendation for sanction (s) and recommended to the Director to impose the following sanctions.

Count 1		\$300.00
Count 2:		\$300.00
Count 3:		\$300.00
Count 4:		\$300.00
Total		\$1,200.00

In addition, for violation of Counts 1- 4, the Board voted to require **Danny William Bragg’s** license to be placed on probation for a period of six (6) months to run concurrent from the effective date of the Order. While on probation, Bragg shall be required to be on good behavior and to be in compliance with the rules and regulations of the Board.

If Bragg violates any terms of this probation, his license shall be automatically suspended. Bragg understands the right to have this suspension considered in an Informal Fact Finding Conference (IFF) under Section 2.2-4019 of the Code of Virginia.

The presiding Board representative **Ms. Baum** was not present and did not participate in the discussion.

The motion passed by unanimous vote. Members voting "Yes" were: Feinstein, Holzbach, Orr and Patterson.

Mr. Ingram did not participate in the discussion and did not vote.

Further, the Director agrees with the Board members to reject the Presiding Officer's recommendation for sanctions. The Director is of the opinion that the nature of the violations did not warrant a suspension of license and retaking of the examination but agrees with the Board members amended recommendation for sanctions.

Ms. Baum resumed as chairman.

Chairman Baum recommended the board take a working lunch break to review examinations at 12:15 p.m. The meeting resumed at 1:15 p.m.

There was no old business.

Agency Director, Gordon Dixon congratulated the polygraph examiner candidates on passing their examination and welcomed them to the profession.

Executive Director Eric Olson invited the members to attend November 1, 2011 Board for Contractors Board meeting as observers.

The next Board meeting will be Thursday, April 26, 2012.

Travel vouchers and conflict of interest forms were completed by all the board members present.

Chairman Baum request motion to adjourn the meeting. Mr. Patterson made a motion to adjourn the meeting at 1:45 p.m. and Mr. Ingram seconded. By unanimous vote Chairman Baum adjourned the meeting. Members voting "Yes" were: Baum, Feinstein, Holzbach, Ingram, Orr and Patterson.

Working Lunch

Old Business

Examination Candidates

New Business

Next Board meeting

Completion of Paperwork

Adjourn

Sandra K. Baum, Chairman

Date

Gordon Dixon, Director

Date